

1 **BEFORE THE ARIZONA REGULATORY BOARD**
2 **OF PHYSICIAN ASSISTANTS**

3 In the Matter of

4 **ERIC CAVANAGH, P.A.-C**

5 Holder of License No. 2414
6 For the Performance of Health Care Tasks
7 In the State of Arizona.

Case No. PA-04-0002

**CONSENT AGREEMENT FOR
DECREE OF CENSURE**

8 **CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Regulatory Board
10 of Physician Assistants ("Board") and Eric Cavanagh, P.A.-C. ("Respondent"), the parties
11 agreed to the following disposition of this matter.

12 1. Respondent acknowledges that he has read and understands this Consent
13 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order.
14 Respondent acknowledges that he understands he has the right to consult with legal
15 counsel regarding this matter and has done so or chooses not to do so.

16 2. Respondent understands that by entering into this Consent Agreement for
17 the issuance of the foregoing Order, Respondent voluntarily relinquishes any rights to a
18 hearing or judicial review in state or federal court on the matters alleged, or to challenge
19 this Consent Agreement and the Order in its entirety as issued by the Board, and waives
20 any other cause of action related thereto or arising from said Order.

21 3. Respondent acknowledges and understands that this Consent Agreement
22 and the Order will not become effective until approved by the Board and signed by its
23 Executive Director.

24 4. All admissions made by Respondent are solely for final disposition of this
25 matter and any subsequent related administrative proceedings or civil litigation involving
the Board and Respondent. Therefore, said admissions by Respondent are not intended

1 or made for any other use, such as in the context of another state or federal government
2 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
3 any other state or federal court.

4 5. Respondent acknowledges and agrees that, although the Consent
5 Agreement has not yet been accepted by the Board and issued by the Executive Director,
6 upon signing this agreement, and returning this document (or a copy thereof) to the
7 Board's Executive Director, Respondent may not revoke acceptance of the Consent
8 Agreement and Order. Respondent may not make any modifications to the document.
9 Any modifications to this original document are ineffective and void unless mutually
10 approved by the parties.

11 6. Respondent further understands that this Consent Agreement and Order,
12 once approved and signed, shall constitute a public record document that may be publicly
13 disseminated as a formal action of the Board.

14 7. If any part of the Consent Agreement and Order is later declared void or
15 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force
16 and effect.

17 
18 _____
ERIC CAVANAGH, P.A.-C

Dated: _____

4/27/05

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of
3 physician assistants in the State of Arizona.

4 2. Respondent is the holder of license number 2414 for the performance of
5 health care tasks in the State of Arizona.

6 3. The Board initiated case number PA-04-0002 after David Gannon, M.D.,
7 Respondent's former supervising physician, reported to the Board that Respondent had
8 inappropriately prescribed medications to patients not established with the family practice
9 group in Chandler, Arizona ("Chandler Group) where Dr. Gannon practices and
10 Respondent was employed until August 19, 2003 when his employment was terminated.

11 4. Dr. Gannon reported that the Chandler Group received notification from a
12 health plan that Respondent had been writing prescriptions for controlled substances for a
13 person ("KD") who was not a patient of the Chandler Group.

14 5. Respondent saw KD for a medical appointment at a health clinic in Phoenix,
15 Arizona on January 11, 2003. KD was Respondent's live-in girlfriend from approximately
16 February to December 2003.

17 6. Respondent wrote prescriptions for KD without first performing an
18 appropriate physical examination and did not maintain records documenting the
19 prescriptions he wrote for KD between December 21, 2002 and June 17, 2003.

20 7. Respondent wrote prescriptions for KD in the name of her mother ("GD") for
21 the sole purpose of ensuring the cost of the drugs would be covered by GD's insurance.

22 **CONCLUSIONS OF LAW**

23 1. The Arizona Regulatory Board of Physician Assistants possesses jurisdiction
24 over the subject matter hereof and over Respondent.
25

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. §32-2501(21)(p) – (“Failing or refusing to maintain adequate records on a patient.”).

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. §32-2501(21)(t) – (“Knowingly making any written or oral false or fraudulent statement in connection with the performance of health care tasks.”).

4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. §32-2501(21)(kk) – (“Prescribing, dispensing or furnishing a prescription medication or a prescription-only device as defined in section 32-1901 to a person unless the licensee first conducts a physical examination of that person or has previously established a professional relationship with the person...”).

5. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. §32-2501(21)(II) – (“Engaging in sexual conduct with a current patient or with a former patient within six months after the last medical consultation unless the patient was the licensee’s spouse at the time of the contact or, immediately preceding the professional relationship, was in a dating or engagement relationship with the licensee....”).

ORDER

IT IS HEREBY ORDERED THAT:

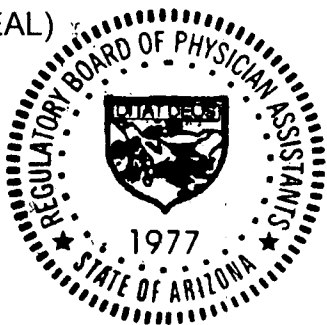
1. Respondent is issued a Decree of Censure for inappropriately prescribing scheduled narcotics to a person without conducting a physical examination and maintaining adequate medical records, knowingly writing a prescription in a false name knowing the medication would be diverted, and engaging in sexual conduct with a patient.

2. This Order is the final disposition of case number PA-04-0002.

1 DATED AND EFFECTIVE this 20th day of MAY, 2005.

2
3 ARIZONA REGULATORY BOARD OF
4 PHYSICIAN ASSISTANTS

5 (SEAL)



9 By Amade Bel
10 f TIMOTHY C. MILLER, J.D.
11 Executive Director

12 ORIGINAL of the foregoing filed this
13 20th day of MAY, 2005 with:

14 Arizona Regulatory Board of Physician Assistants
15 9545 E. Doubletree Ranch Road
16 Scottsdale, AZ 85258

17 EXECUTED COPY of the foregoing mailed by
18 Certified Mail this 20th day of MAY, 2005 to:

19 Stephen W. Myers, Esq.
20 3003 North Central Avenue
21 Phoenix, Arizona 85012

22 Eric Cavanagh, P.A.-C
23 Address of Record

24
25 Jim Geaghan
Quality Assurance